

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 310 - HB 403

March 16, 2017

SUMMARY OF BILL: Broadens the offense of child endangerment to include conduct by a parent of knowingly exposing or knowingly failing to protect the child from abuse or neglect resulting in imminent danger to the child. Defines “imminent danger” for purposes of the offense as the existence of any condition or practice that could reasonably be expected to cause death or serious bodily injury.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – \$18,000*

Assumptions:

- Tennessee Code Annotated § 39-15-401(c) prohibits any parent or custodian of a child eight years of age or less from knowingly exposing or knowingly failing to protect the child from abuse or neglect resulting in physical injury to the child.
- The proposed legislation broadens the offense to include exposing or failing to protect the child from abuse or neglect resulting in imminent danger.
- Child endangerment is a class A misdemeanor.
- Most defendants convicted of a class A misdemeanor do not serve a period of confinement. However, the proposed legislation does significantly broaden child endangerment, notably by not requiring physical injury to a child to constitute endangerment.
- It is assumed that the proposed legislation will result in 10 convictions each year in which the defendant is sentenced to a period of confinement.
- It is assumed that the average time served for each defendant will be 30 days.
- The estimated 2017 cost per inmate per day for local jails is \$60.00.
- The proposed legislation will increase recurring local incarceration costs by \$18,000 (10 convictions x 30 days x \$60.00).
- The proposed legislation will not impact the caseloads of the courts, public defenders, or district attorneys enough to justify any additional personnel. It is assumed they can accommodate the impact within their existing resources.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm